

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 3:22-cv-01512
	)	
THOMAS J. PASHINA; JANE R. PASHINA;	)	
MIDLAND FUNDING, LLC; and	)	
PHH MORTGAGE CORPORATION,	)	
	)	
Defendants.	)	

**AMENDED COMPLAINT**

Plaintiff, the United States of America, for its complaint against defendants,  
alleges as follows:

1. This is a civil action to reduce to judgment unpaid federal income tax assessments made against defendants Thomas J. Pashina and Jane R. Pashina and to enforce federal tax liens upon real property located in Maplewood, Minnesota.
2. This action is brought with the authorization and at the request of the Chief Counsel of the Internal Revenue Service, a delegate of the Secretary of the Treasury, and at the direction of a delegate of the Attorney General of the United States, pursuant to 26 U.S.C. §§ 7401 and 7403(a).

**JURISDICTION AND VENUE**

3. This Court has jurisdiction over this action pursuant to 26 U.S.C. §§ 7402(a) and 7403 and 28 U.S.C. §§ 1331, 1340, and 1345.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1396 because the individual defendants reside in this district. Moreover, the subject real property is also located within this district.

**PARTIES**

5. Plaintiff is the United States.

6. Defendant Thomas J. Pashina is a resident of Ramsey County, Minnesota, within the jurisdiction of this Court.

7. Defendant Jane R. Pashina is a resident of Ramsey County, Minnesota, within the jurisdiction of this Court. She is married to defendant Thomas J. Pashina.

8. PHH Mortgage Corporation, successor by merger to Ocwen Loan Servicing, LLC, is named as a defendant because it may have a lien or claim an interest in the real property at issue in Count III of this complaint. Its main office is located in Mount Laurel, New Jersey.

9. Midland Funding, LLC is named as a defendant because it may have a lien or claim an interest in the real property at issue in Count III of this complaint. Its main office is located in San Diego, California.

**COUNT I – Reduce To Judgment Thomas J. Pashina’s  
Federal Income Tax Assessments**

10. The United States incorporates by reference the allegations contained in paragraphs 1-6 above, as if set forth fully herein.

11. Thomas J. Pashina did not file federal income tax returns for tax years 2003, 2004, and 2005, despite having sufficient income requiring him to do so.

12. On the dates and for the tax years specified below, a delegate of the Secretary of the Treasury made assessments of federal income tax, penalty, and interest against Thomas J. Pashina. The total unpaid balance of these assessments, which includes statutory interest and additions through February 24, 2022, and any credits and payments, is also shown below:

<b>Tax Year</b>	<b>Date(s) of Assessment</b>	<b>Tax Assessed</b>	<b>Penalty Assessed</b>	<b>Interest Assessed</b>	<b>Balance as of 2/24/2022</b>
2003	6/18/2012 10/16/2017	\$23,980.00	\$12,009.23	\$16,024.93 \$9,962.54	\$74,685.25
2004	6/28/2010 10/16/2017	\$26,482.00	\$13,337.84	\$12,338.28 \$14,451.63	\$80,168.23
2005	6/28/2010 10/16/2017	\$29,435.00	\$15,161.63	\$10,244.13 \$15,195.09	\$84,292.54
<b>TOTAL:</b>					<b>\$239,146.02</b>

13. The assessments identified in paragraph 12 above were made in accordance with law.

14. The Internal Revenue Service gave Thomas J. Pashina notices of the assessments described in paragraph 12 above and made demands for payment on or about the date of each assessment.

15. Despite the notices and demands for payment described in paragraph 14 above, Thomas J. Pashina failed to fully pay the outstanding federal income tax liabilities owed for tax years 2003, 2004, and 2005, as described in paragraph 12 above.

16. By reason of the foregoing, Thomas J. Pashina is liable to the United States in the amount of \$239,146.02, plus statutory interest and other additions that have

accrued and will continue to accrue thereon from February 24, 2022 until the balance is paid in full.

WHEREFORE, the United States requests entry of judgment in its favor on Count I of this Complaint as follows:

(a) that the Court enter judgment in favor of the United States and against Thomas J. Pashina for \$239,146.02, plus statutory interest and other additions that have accrued and will continue to accrue thereon after February 24, 2022, until the judgment is paid; and

(b) that the Court award the United States its costs and such other and further relief as the Court deems just and proper, including awarding the United States its costs and expenses incurred in bringing this suit.

**COUNT II – Reduce To Judgment Thomas And Jane Pashina’s  
Federal Income Tax Assessments**

17. The United States incorporates by reference the allegations contained in paragraphs 1-7 above, as if set forth fully herein.

18. Thomas J. Pashina and Jane R. Pashina jointly filed their 2006, 2008, 2010, 2011, 2012, 2013, 2014, and 2015 federal income tax returns but did not fully pay the amounts shown as due and owing.

19. On the dates and in the amounts specified below, a delegate of the Secretary of the Treasury made assessments of federal income tax, penalty, and interest against Thomas J. Pashina and Jane R. Pashina. The total unpaid balance of these

assessments, which includes statutory interest and additions through February 24, 2022, and any credits and payments, is also shown below:

<b>Tax Year</b>	<b>Date(s) of Assessment</b>	<b>Tax Assessed</b>	<b>Penalty Assessed</b>	<b>Interest Assessed</b>	<b>Balance as of 2/24/2022</b>
2006	6/28/2010 4/11/2011 10/16/2017	\$23,863.00	\$11,151.74 \$1,312.46	\$5,478.59 \$218.82	\$1,298.55
2008	6/14/2010 4/11/2011 4/9/2012 10/16/2017	\$5,380.00	\$496.40 \$131.31 \$131.31 \$625.12	\$78.37	\$2,792.09
2010	5/23/2011 4/9/2012 4/15/2013 10/16/2017	\$5,597.00	\$32.77 \$311.31 \$393.24 \$81.92	\$13.67 \$906.29	\$6,133.32
2011	8/13/2012 4/15/2013 5/5/2014 10/16/2017	\$7,451.00 \$30,057.00	\$147.46 \$516.11 \$6,027 \$8,713.43	\$72.87 \$8,542.25	\$74,236.57
2012	7/15/2013 10/16/2017	\$4,623.00	\$107.78 \$154.13	\$24.42 \$115.65	\$1,249.59
2013	8/11/2014 10/16/2017	\$5,982.00	\$173.22 \$1,233.02	\$52.25 \$659.27	\$9,111.78
2014	10/5/2015 10/16/2017	\$3,979.00	\$2.22 \$151.28	\$9.65 \$54.41	\$1,090.31
2015	9/19/2016	\$4,162.00	\$1.00	\$24.24	\$2,194.70
<b>TOTAL</b>					<b>\$98,106.91</b>

20. The assessments identified in paragraph 19 above were made in accordance with law.

21. The Internal Revenue Service gave Thomas J. Pashina and Jane R. Pashina notices of the assessments described in paragraph 19 above and made demands for payment on or about the date of each assessment.

22. Despite the notices and demands described in paragraph 21 above, Thomas J. Pashina and Jane R. Pashina failed to fully pay the amounts they owe for tax years 2006, 2008, 2010, 2011, 2012, 2013, 2014, and 2015, as described in paragraph 19 above.

23. By reason of the foregoing, Thomas J. Pashina and Jane R. Pashina are jointly and severally liable to the United States in the amount of \$98,106.91, plus statutory interest and other additions that have accrued and will continue to accrue thereon from February 24, 2022 until paid in full.

WHEREFORE, the United States requests entry of judgment in its favor on Count II of this Complaint as follows:

(a) that the Court enter judgment in favor of the United States and against Thomas J. Pashina and Jane R. Pashina for \$98,106.91, plus statutory interest and other additions that have accrued and will continue to accrue thereon after February 24, 2022, until the judgment is paid; and

(b) that the Court award the United States its costs and such other and further relief as the Court deems just and proper, including awarding the United States its costs and expenses incurred in bringing this suit.

### **COUNT III- Lien Enforcement**

24. The United States incorporates by reference the allegations contained in paragraphs 1 through 23 above, as if set forth fully herein.

25. By warranty deed dated November 19, 1993, and recorded with the Ramsey County, Maplewood, Minnesota Recorder's Office on January 25, 1994, Thomas J.

Pashina and Jane R. Pashina acquired real property located at 429 Marnie Street S, Maplewood, Minnesota (“the Marnie Street Property”), as joint tenants. The Marnie Street Property has a legal description as follows:

Lot 4, Block 3, Crestview Fourth Addition, according to the plat thereof on file or of record in the office of the County Recorder, Ramsey County, Minnesota.

26. By reason of the assessments described in paragraphs 12 and 19 above, as well as the notices of assessments, demands for payment, and subsequent failures to pay described in paragraphs 14, 15, 21, and 22 above, federal tax liens arose in favor of the United States on the date of each of assessment and attached to all property and rights to property then belonging to Thomas J. Pashina and Jane R. Pashina, including their interest in the Marnie Street Property described in paragraph 25 above, as a matter of law. *See* 26 U.S.C. §§ 6321, 6322.

27. A delegate of the Secretary of the Treasury filed notices of federal tax liens (“NFTL”) relating to Thomas J. Pashina’s 2003, 2004, and 2005 federal income tax years and Thomas J. Pashina and Jane R. Pashina’s 2006, 2008, 2010, 2011, 2012, 2013, 2014, and 2015 federal income tax years with the Ramsey County, Maplewood, Minnesota Recorder’s Office on the dates listed below:

<b>Tax Year</b>	<b>Date NFTL Filed</b>	<b>Date NFTL Refiled</b>
2003	9/19/2014	8/18/2021
2004	9/19/2014	8/16/2019
2005	9/19/2014	8/16/2019
2006	9/23/2014	8/16/2019
2008	9/23/2014	8/16/2019
2010	9/23/2014	9/2/2020

2011	9/23/2014	10/19/2021
2012	9/23/2014	
2013	8/1/2016	
2014	8/1/2016	
2015	10/19/2021	

28. The federal tax liens referred to in paragraphs 26 and 27 above may be enforced against the Marnie Street Property described in paragraph 25 above, and the property may be sold, with the sale proceeds distributed in a manner that the Court may determine. *See* 26 U.S.C. § 7403(c).

WHEREFORE, the United States respectfully requests this Court to enter judgment in its favor and against all defendants on Count III of this Complaint as follows:

(a) Declare that the federal tax liens are valid and subsisting liens that attached to all property and rights to property of Thomas J. Pashina and Jane R. Pashina as of the dates of the respective assessments made against them;

(b) Declare that the federal tax liens attached to the Marnie Street Property described in paragraph 25 above;

(c) Order that the federal tax liens be enforced against the Marnie Street Property;

(d) Order that any defendant claiming an interest in the Marnie Street Property superior to the federal tax liens affirmatively demonstrate their interest and the priority thereof;

(e) Determine the rights and priorities of the parties' interests in the Marnie Street Property;

(f) Order that the Marnie Street Property be sold in a judicial sale according to the law, free and clear of any right, title, lien, claim, or interest of any other lien holders;

(g) Order that any person occupying the Marnie Street Property leave and vacate the property;

(h) Order that the proceeds of the sale of the Marnie Street Property be distributed to the parties in accordance with the Court's determination as to any claims or priorities in the property; and

(i) Award the United States such other relief as is just and equitable, including awarding the United States its costs and expenses incurred in bringing this suit.

Dated: June 8, 2022

Respectfully submitted,

ANDREW M. LUGER  
United States Attorney

DAVID A. HUBBERT  
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Tax Division

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